

Reponses to comments/questions received on the draft Living Shorelines Loan Program and Local Plan Guidelines during the public comment period.  
Comments/Questions were submitted from three people as shown below.

From: Joe Wood, Ph.D. Virginia Staff Scientist, Chesapeake Bay – On behalf of CBF, he thanked DEQ for its leadership in establishing the Living Shorelines Loan Program and commended DEQ and the State Water Control Board for their efforts in promoting the new loan program and working with local governments to make it a success. [No response needed.](#)

From: Kevin R. Du Bois, PWS, PWD, CFM

1. The guidelines should define living shorelines (LS) so that they don't include wetlands in front of bulkheads, revetments, or other hardened shorelines as these are not sustainable with sea level rise and are a poorer use of limited funds and incentives. See the definition reference in the *Project Eligibility/Requirements* section. [A. Living Shorelines have been defined in the Code of Virginia and we do not have the authority to change that definition. In order to ensure quality control in the design of living shorelines being funded under this program, all projects must be certified by the Virginia Marine Resources Commission \(VMRC\), which is the state agency with authority and responsibility over living shorelines in Virginia.](#)
2. Can the recipients of funds from a local government plan be civic organizations and/or NGO's in addition to individuals? Civic leagues, university organizations, and non-profits have all been involved in building LS projects. [A. No. The statute authorizing the program specifically limits the recipients of funds from the local government to "individual citizens of the Commonwealth". A civic league or NGO may be involved in the projects but the borrower of the funds must be an individual citizen.](#)
3. If applications are accepted in July, is it your intention that loan funds wouldn't be used until the following spring? Optimal time for planting wetlands is in April. Would application submission requirements include the submission of all local, state, and federal wetland permits? [A. This program will follow the same schedule as our other loan programs as discussed below. Applications from local governments are received in June-July. A tentative project funding list is presented to the State Water Control Board \(SWCB\) at their fall meeting for approval. Meetings are scheduled with the tentative loan recipients in October, a public meeting is held in November, and the final list is presented to the SWCB in December for authorization. The loans to the authorized localities could then be closed once they have either \(1\) received construction bids and all environmental permits \(in the case of them constructing their own living shorelines projects\) or \(2\) once they have developed and submitted their local plans \(in the case of them establishing a local program for individuals to construct living shorelines\). In either case this should allow for projects to be started in the spring. Environmental permits would not be required for submitting applications but would be required prior to commencement of construction.](#)

4. As a condition of loan application approval, would the date of project commencement be specified? Would the project completion date be specified or would the project have to be completed prior to wetland permit expiration? A. The application will include the project schedule and readiness to proceed will be considered in the application review. Projects would have to be completed in accordance with all permits.
5. Has the State Water Control Board developed a Local Plan template to guide their development? It might be a good use of grant funds to pay a local NGO to prepare a template to be used throughout the state. A. The Guidelines include an outline of what should be included in a Local Plan. DEQ does not have any grant funds to develop a more detailed template. The locality needs to have the ability to develop a plan that works for them and their residents. All plans have to be approved by DEQ and VRA before loans are closed and funds are available. The Middle Peninsula Planning District Commission is in the process of finalizing their local plan and will provide it for others to use as requested.
6. The minimum LS Loan amount of \$100,000 is probably excessive for small residential coir log projects. Why not make that lower, say \$20,000? This might compliment private landowner phased efforts. A. The \$100,000 minimum applies to the loan to the locality; there is no specified minimum loan amount to the individuals. We have added a sentence to clarify this point. We are only allowed to make loans to local governments and if the locality is looking to create a loan program, they need to have enough funds to make multiple loans to individuals. There is no minimum amount that a locality has to loan its citizens, that is something the locality can decide and include in their local plan if they so choose.
7. Regarding reasonable and necessary costs associated with the establishment of a LS, I would recommend that documentation standards be established. Who reviews the reasonable and necessary standards (who is trained in LS construction and implementation)? Are riparian buffer enhancements a valid expense under the proposed standards? (NOAA LS Guidelines would suggest they are). A. Based on our experience administering a number of diverse funding programs, we believe it is best to remain flexible and use best professional judgment when determining whether costs are reasonable and necessary. Riparian buffer enhancements would be considered a valid expense for this program.

From: Glenda C. Booth, Chair, Fairfax County Wetlands Board

I am writing to support the December 2015 Virginia Clean Water Revolving Loan Fund draft living shorelines loan program guidelines. My comments are based on my experience on the Fairfax County Wetlands Board for over 25 years, the last 15 as chair.

We support the goals reflected in the enactment of legislation in 2015 to improve water quality and prevent the pollution of state waters by expanding the activities of the Virginia Clean Water Revolving Loan Fund and creating this new loan program. It is our understanding that this addition would allow the State Water Control Board to authorize low-interest loans to local governments from the Fund for the purpose of establishing living shorelines. We understand that under this law loans would be available to a local government to establish living shorelines and to a local government that has developed a funding program to provide low-interest loans to private property owners to help establish living shorelines.

The Fairfax County Wetlands Board was the first locality in the state to adopt a policy that encourages living shoreline approaches. Despite that policy, in our experience, applicants for wetlands permits do not always consider using living shoreline approaches and many contractors are unaware of the state's general permit that encourages living shorelines (section 28.2-104.1 of the Virginia Code). Low-interest loans could be a valuable incentive for encouraging local governments, applicants for wetlands permits and contractors to use living shorelines approaches where they are appropriate. [No response needed.](#)

- (1) We understand that in the draft guidelines, under "Allowable Loan Amount," the minimum loan amount is \$100,000. We urge you to clarify that this minimum applies to the loans to local governments, not to loans to individuals that a local government might make. [A. We have added a sentence that makes this clarification.](#)
- (2) We urge you to include in the marketing plans required of local governments, direct outreach to wetland contractors, information describing the availability and terms of the loans and the value of living shoreline approaches. As I have explained above, many contractors are unfamiliar with these approaches and the state incentives. [A. We have added that suggestion to the Marketing Strategy section of the Local Plan Guidelines.](#)